

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Amun Hondo El,
also known as Mario Herring,

Case No. 1:11 CV 2342

ORDER

Petitioner,

JUDGE JACK ZOUHARY

-vs-

Michelle Miller, Warden,

Respondent.

This Court has reviewed the Report and Recommendation (“R&R”) of the Magistrate Judge filed June 29, 2012 (Doc. 8). The R&R recommends this Court deny the Petition because Petitioner failed to exhaust available state remedies (Doc. 8 at 9 & 12).

Under the relevant statute, 28 U.S.C. § 636(b)(1):

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

The failure to file objections within the time frame set forth in the statute constitutes a waiver of *de novo* review by the district court. *See United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *Thomas v. Arn*, 474 U.S. 140 (1985).

The two week deadline for filing objections has passed; no objections have been filed. The R&R, which accurately states the facts and law, is adopted in its entirety. Accordingly, the Petition is denied and this action is dismissed pursuant to 28 U.S.C. § 2243. Further, because Petitioner has

not made a substantial showing of the denial of a constitutional right, this Court finds there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

July 27, 2012